

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14933 of Larry and Wayne Berke, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Sub-section 401.3), a variance from the off-street parking requirements (Sub-section 2101.1), and a variance from the percentage of lot occupancy requirements (Sub-section 403.2) for the proposed new construction of a flat in an R-4 District at premises 625 Florida Avenue, N.E., (Square 855, Lot 174).

Application No. 14934 of Larry and Wayne Berke, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Sub-section 401.3), a variance from the percentage of lot occupancy requirements (Sub-section 403.2), a variance from the rear yard requirements (Sub-section 404.1), and a variance from the off-street parking requirements (Sub-section 2101.1) for the proposed new construction of a flat in an R-4 District at premises 627 Florida Avenue, N.E., (Square 855, Lot 175).

Application No. 14935 of Larry and Wayne Berke, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Sub-section 401.3), a variance from the percentage of lot occupancy requirements (Sub-section 403.2), a variance from the rear yard requirements (Sub-section 404.1), and a variance from the off-street parking requirements (Sub-section 2101.1) for the proposed construction of a flat in an R-4 District at premises 629 Florida Avenue, N.E., (Square 855, Lot 176).

HEARING DATE: April 19, 1989
DECISION DATE: April 19, 1989 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 3-1 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; William F. McIntosh opposed to the motion).

FINAL DATE OF ORDER: April 28, 1989

ORDER

The Board granted the application by its Order dated April 28, 1989. By letter dated November 14, 1990, the applicant requested the Board to waive the six month filing requirement of 11 DCMR 3335.3 in order to consider a request for modification of the previously approved plans. The need for the requested waiver is based on the length of time which has elapsed during the permit review process. At its public meeting of December 5, 1990 the Board waived the six month filing requirement and accepted the applicant's request for modification of plans.

The need for the requested modification of plans was based on amendments to the BOCA Code which become effective subsequent to the Board's decision on the application. The applicant's original plans provided for an open, spiral staircase at the rear of each structure. In the course of plan reviews during the permit process, the applicant was informed that the open stairway was unacceptable. The applicant redrafted the design to provide for

fire stairs in compliance with applicable DC codes and regulations. Section 3331.7 of the Zoning Regulations provides that approval of an application shall include approval of the plans included with the application. The applicant is therefore requesting approval of the proposed modification of plans in order to continue construction in accordance with applicable codes and regulations.

Upon review of the applicant's request, the record in the applications, and the revised plans, the Board concludes that the proposed modification of plans is minor in nature. The size, shape and footprint of the buildings are essentially the same as that previously approved by the Board. No additional variance relief is required. There was no opposition to the proposed modification of plans.


It is therefore ORDERED that the proposed modification of plans is hereby APPROVED, SUBJECT to the CONDITION that construction of the fire stairs shall be in accordance with the plans marked as Sheet Nos. 4S and 8S, revised October 19, 1990, Exhibit No. 28A of the record. In all other respects the Order of the Board dated April 28, 1989, shall remain in full force and effect.

DECISION DATE: December 5, 1990

VOTE: 3-0 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve, Sheri M. Pruitt not voting, not having participated in the application).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: DEC 26 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14933Order/BHS

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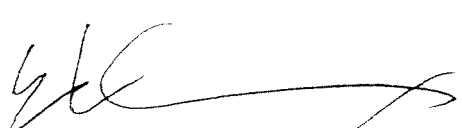
APPLICATION NO. 14933

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated DEC 26 1990 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Clifford Waddy, Chairperson
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Garrison Elementary School
1200 S Street, N.W.
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EDWARD L. CURRY
Executive Director

DATE: _____

DEC 26 1990